

## HOUSE MESSAGE SUMMARY

[s1838.hms]

BILL: CS/SB 1838  
INTRODUCER: Health Care Committee and Senator Haridopolos  
SUBJECT: Pharmacy Common Databases  
PREPARED BY: Senate Committee on Health Care  
DATE: May 3, 2006

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### I. Amendments Contained in Message:

**House Amendment 1 - 520641** (body with title)

### II. Summary of Amendments Contained in Message:

**House Amendment 1** differs from the provisions in the original Senate Bill by providing that nothing in the pharmacy practice act may be construed to prohibit the dispensing by a pharmacist licensed in Florida or another state of a prescription in a common database. In effect, this may be interpreted as a limitation on the rulemaking authority of the Florida Board of Pharmacy to impose any regulation on dispensing a prescription by a Florida-licensed pharmacy that is part of a common database. Similar statutory language has been interpreted by Florida courts as a limitation on the rulemaking authority of health care practitioner boards.<sup>1</sup>

The amendment also differs from the original Senate Bill by providing that any pharmacist dispensing a prescription has at all time the right and obligation to exercise his or her professional judgment. Notwithstanding other provisions in the new section created by the bill, a Florida-licensed pharmacist participating in the dispensing of a prescription under the section may not be responsible for the acts or omissions of another person participating in the dispensing process if such person is not under the direct supervision and control of the Florida-licensed pharmacist.

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<sup>1</sup> See *Ortiz v. Department of Health, Board of Medicine*, 882 So.2d 402 (4<sup>th</sup> DCA 2004).